

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHARLES WANG,  
Plaintiff,  
v.  
JERRY BROWN, et al.,  
Defendants.

Case No. 11-cv-05648-WHO

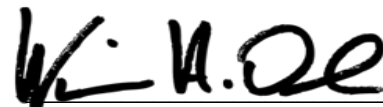
**ORDER INSTRUCTING PLAINTIFF TO  
SERVE DEFENDANTS**

This case is on remand from the Ninth Circuit. It was previously dismissed because pro se plaintiff Charles Wang failed to properly serve defendants within 120 days of filing his complaint, as required under Federal Rule of Civil Procedure 4(m). *See* Dkt. No. 20. The Ninth Circuit reversed, holding that the district court erred in sua sponte dismissing the action under Rule 4(m) without first giving Wang notice and an opportunity to show good cause why he had not served defendants. Dkt. No. 28. Rule 4(m) provides that “[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

**Wang must serve defendants within 45 days of this order – that is, by January 8, 2015. In addition, a case management conference is set for February 24, 2015 at 2:00 p.m. in Courtroom 2, 17th Floor, San Francisco. The parties shall file a joint case management statement on or before February 17, 2015.** Wang is advised that failure to properly serve defendants by January 8, 2015 may result in dismissal of this action.

**IT IS SO ORDERED.**

Dated: November 25, 2014

  
WILLIAM H. ORRICK  
United States District Judge